



Journal of the Senate

Number 16

Friday, May 25, 1990

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—33:

Mr. President	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	Meek	Weinstein
Casas	Grant	Myers	Weinstock
Childers, D.	Grizzle	Peterson	Woodson-Howard
Davis	Jennings	Plummer	
Deratany	Johnson	Scott	
Diaz-Balart	Kiser	Souto	

Excused: Senator Jennings at 11:15 a.m.; periodically, conferees on Finance and Taxation

PRAYER

The following prayer was offered by Dr. Bradley Price, Pastor, Central Baptist Church, Panama City:

Our Father, we are grateful today for the privilege we have to be here. We thank you for each of these men and women who have given themselves to serve their country and their fellowman. Lord, we're thankful for the sunshine that came up today. It reminds us of the Word of God that says, "Your mercies are new every morning, great is thy faithfulness."

Lord, I do pray today that you'd bless every activity, pray that you'd bless every decision, pray that you'd give character, integrity and foresight. I pray, Lord, for the personal lives of the men and women who are here, not just their professional life. Bless their families today and be with them.

Lord, help us to remember what Abraham Lincoln said, "Without your divine help we will surely fail, but with your divine help we cannot help but succeed."

So today, O God, I pray that you'd be with us and may our lives show forth the values that would make you proud of us. Continue to bless every person. We ask in our Lord's name. Amen.

Consideration of Resolutions

On motion by Senator Weinstein, by two-thirds vote SR 3170 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Weinstein—

SR 3170—A resolution commemorating the 75th anniversary of the creation of Broward County.

WHEREAS, Broward County was created by an act of the Legislature passed on April 24, 1915, to take effect October 1, 1915, from portions of Dade and Palm Beach counties, and

WHEREAS, Broward County was named for Napoleon Bonaparte Broward, Florida's nineteenth Governor, whose Everglades reclamation project was launched in 1906 with construction of the North New River Canal, which opened much of South Florida to agriculture and settlement, and

WHEREAS, occupying the region between the Hillsboro and Snake Creek canals and stretching from the Atlantic Ocean deep into the Everglades, Broward County has been the scene of a multitude of historic events, from the camps of prehistoric Tequesta Indians and the arrival of the first European explorers through the Seminole Wars to the construction of primitive roads, a railroad, and the establishment of small farming communities by the beginning of the twentieth century, and

WHEREAS, the pioneer settlers of Broward County struggled against seemingly insurmountable odds to establish homes in the isolated wilderness and to establish schools, businesses, and civic and religious institutions to improve the quality of life for themselves and those who would come after them, and

WHEREAS, in its 75 years of existence, Broward County has withstood periods of boom and bust, war and peace, isolation and tremendous population growth to become a world-renowned vacation and recreation resort, and the permanent home to over 1 million people, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate congratulates Broward County and its residents in this year of its 75th anniversary.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

On motion by Senator Forman, by two-thirds vote HCR 3465 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Forman—

HCR 3465—A concurrent resolution recognizing that the families of children with special needs are the primary caregivers for those children and supporting the development and maintenance of parent support and advocacy groups.

—was taken up out of order by unanimous consent, read the second time in full, adopted and certified to the House.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, May 25, 1990: SB 804, CS for CS for SB 538, SB 1066, CS for SB's 1640 and 1740, CS for CS for SB 158, SB 2136, CS for SB 1024, CS for SB 470, CS for SB 1204, SB 1584, CS for SB 2128, CS for SB 2258, CS for CS for SB 2196, SB 2592, CS for SB 2340, CS for SB 550, SB 1284, CS for SB's 1556, 618 and CS for SB 1514, SB 1938, CS for SB's 1622 and 2914, CS for SB 2746

Respectfully submitted,
James A. Scott, Chairman

The Committee on Appropriations recommends the following pass: CS for SB's 1120 and 2610, CS for SB 1304, CS for SB 1906, CS for SB 2450, CS for SB 2536, CS for SB 2586, CS for SB 2598, CS for SB 2744

The bills were placed on the calendar.

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 2528

The bill with committee substitute attached was referred to the Committee on Appropriations under the original reference.

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1822

The bill with committee substitute attached was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 3178

The bill with committee substitute attached was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 1794

The Committee on Insurance recommends a committee substitute for the following: SB 2670

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

May 25, 1990

The Committee on Agriculture requests an extension of 15 days for consideration of the following: Senate Bills 174, 180, 214, 242, 1324, 1686, 2364, 2546, 2622, 2722, 2730, 2760, 2876, 2974; House Bills 2163, 2543, 2545, 3547

The Committee on Commerce requests an extension of 15 days for consideration of the following: Senate Bills 4, 58, 64, 82, 212, 552, 566, 594, 604, 778, 1012, 1076, 1112, 1216, 1246, 1296, 1454, 1524, 1864, 1876, 1878, 1930, 2170, 2338, 2368, 2390, 2690, 2848; House Bills 357, 821, 1221, 1873, 2443, 2481, 3167, 3471

The Committee on Community Affairs requests an extension of 15 days for consideration of the following: Senate Bills 102, 244, 338, 350, 498, 754, 1036, 1046, 1106, 1196, 1214, 1258, 1274, 1286, 1394, 1424, 1532, 1574, 1576, 1688, 1690, 1700, 2024, 2034, 2072, 2140, 2172, 2246, 2434, 2542, 2646, 2706, 2780, 2840, 2858, 2904, 2940, 2992; House Bills 51, 2711, 2745, 3137, 3193

The Committee on Corrections, Probation and Parole requests an extension of 15 days for consideration of the following: Senate Bills 440, 886, 900, 1342, 1738, 1984, 2918; House Bills 59, 833

The Committee on Economic, Professional and Utility Regulation requests an extension of 15 days for consideration of the following: Senate Bills 38, 496, 500, 540, 770, 842, 1122, 1170, 1300, 1348, 1390, 1392, 1446, 1486, 1638, 2122, 2200, 2356, 2606, 2640, 2650, 2660, 2752, 2784, 2868, 2870, 2874, 2928, 3014, 3016, 3018, 3022, 3030; House Bills 489, 1135, 1535, 2185, 2519

The Committee on Education requests an extension of 15 days for consideration of the following: Senate Bills 88, 318, 670, 676, 794, 826, 1124, 1630, 1776, 1796, 1874, 1914, 1988, 2156, 2332, 2358, 2460, 2504, 2616, 2618, 2716, 2808; House Bills 1287, 1571

The Committee on Ethics and Elections requests an extension of 15 days for consideration of the following: Senate Bills 12, 200, 282, 988, 1684, 1742, 1886, 2512, 2664, 2738; House Bills 403, 529, 735, 865, 1273, 2327, 2375, 3009

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: Senate Bills 6, 8, 32, 52, 164, 232, 256, 310, 404, 460, 476, 530, 568, 590, 608, 638, 720, 768, 814, 926, 978, 1056, 1100, 1144, 1172, 1188, 1198, 1202, 1248, 1282, 1334, 1388, 1406, 1418, 1430, 1436, 1490, 1494, 1504, 1528, 1530, 1552, 1698, 1764, 1866, 1890, 1916, 1934, 1942, 1960, 2032, 2036, 2062, 2070, 2088, 2098, 2176, 2206, 2280, 2288, 2316, 2324, 2384, 2386, 2410, 2474, 2530, 2680, 2692, 2724, 2756, 2900, 2922, 2962, 3034, 3038, 3050, 3074, 3196, 3206; House Bills 1245, 1531, 2589, 2917, 3181

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: Senate Bills 264, 422, 516, 548, 634, 724, 818, 1086, 1186, 1262, 1352, 1478, 1544, 1648, 1680, 1736, 1748, 1752, 1936, 1940, 1980, 2008, 2020, 2052, 2104, 2110, 2158, 2350, 2440, 2506, 2560, 2632, 2658, 2728, 2734, 2812, 2816, 2878, 2926, 2946, 3026, 3048; House Bills 799, 1097, 1247, 1413, 2135, 2221, 2225, 2279, 2309, 2333, 2539, 3577, 3585, 3669, 3729

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following: Senate Bills 106, 226, 492, 966, 996, 1074, 1148, 1598, 1720, 1854, 1912, 1954, 2014, 2050, 2108, 2126, 2188, 2286, 2302, 2346, 2394, 2402, 2494, 2538, 2540, 2564, 2682, 2810, 2824, 2916, 2948, 2950; House Bills 217, 713, 1453, 1523, 1709, 1739, 2287, 2345, 2397, 2527, 2555, 2765, 3143, 3295, 3307, 3681

The Committee on Health Care requests an extension of 15 days for consideration of the following: Senate Bills 86, 192, 652, 1060, 1114, 1540, 1798, 1870, 1922, 1926, 2000, 2116, 2178, 2220, 2232, 2694, 2712, 2774, 2982, 3024; House Bills 209, 229, 429, 619, 1001, 1023, 1209, 1773, 2705, 3171

The Committee on Higher Education requests an extension of 15 days for consideration of the following: Senate Bills 202, 626, 756, 1134, 1306, 1506, 1538, 1566, 1706, 2374, 2508, 2782, 2856; House Bills 973, 3615

The Committee on Insurance requests an extension of 15 days for consideration of the following: Senate Bills 48, 766, 782, 816, 830, 858, 874, 896, 960, 1038, 1158, 1364, 1402, 1408, 1682, 1704, 1772, 2132, 2150, 2210, 2234, 2318, 2326, 2360, 2428, 2570, 2656, 2666, 2668, 2788, 2804, 2854, 2866; House Bills 505, 711, 983, 1575, 1657, 1737, 1781, 1871, 2047, 2101, 2105, 2107, 2293, 3489

The Committee on Judiciary-Civil requests an extension of 15 days for consideration of the following: Senate Bills 116, 134, 238, 346, 450, 520, 572, 630, 798, 810, 838, 840, 894, 902, 910, 1002, 1006, 1020, 1090, 1140, 1162, 1164, 1190, 1192, 1264, 1276, 1372, 1534, 1590, 1596, 1650, 1694, 1780, 1784, 1790, 1812, 1824, 1828, 1846, 1850, 1862, 1880, 1888, 1894, 1924, 1974, 2046, 2056, 2148, 2154, 2198, 2222, 2230, 2238, 2290, 2312, 2352, 2382, 2388, 2392, 2406, 2430, 2432, 2444, 2518, 2578, 2608, 2696, 2736, 2766, 2770, 2822, 2826, 2834, 2844, 2884, 2894, 2906, 2952, 3002, 3060, 3064; House Bills 39, 155, 211, 1169, 1357, 1393, 1443, 1467, 1481, 1621, 1969, 1977, 2467, 2801, 2815, 2833, 2939, 3005, 3061

The Committee on Judiciary-Criminal requests an extension of 15 days for consideration of the following: Senate Bills 136, 166, 196, 204, 206, 250, 270, 294, 438, 488, 678, 746, 812, 878, 992, 1008, 1224, 1242, 1252, 1272, 1492, 1652, 1672, 1840, 1966, 2010, 2204, 2214, 2216, 2254, 2260, 2264, 2334, 2336, 2448, 2454, 2596, 2600, 2614, 2678, 2850, 2882, 2888, 3066, 3070; House Bills 163, 271, 315, 353, 879, 1457, 1971, 2387, 2611, 2987, 3035, 3091

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: Senate Bills 120, 148, 176, 190, 320, 356, 442, 444, 448, 624, 650, 808, 844, 880, 908, 948, 1088, 1128, 1182, 1244, 1328, 1368, 1370, 1434, 1550, 1660, 1668, 1724, 1844, 1868, 1998, 2004, 2006, 2058, 2084, 2106, 2120, 2138, 2174, 2190, 2242, 2244, 2250, 2294, 2372, 2376, 2396, 2654, 2672, 2720, 2742, 2802, 2806, 2934, 2942, 2944, 2958, 2978, 2990, 2994, 3004, 3046, 3202, 3204; House Bills 733, 951, 1725, 2081, 2193, 2331, 2455, 2503, 2841, 2865, 3247, 3261

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for consideration of the following: Senate Bills 130, 152, 172, 468, 828, 1000, 1034, 1136, 1154, 1396, 1400, 1746, 1946, 1970, 2212, 2306, 2370, 2688, 2714, 2790, 3058; House Bills 457, 949, 967, 1011, 2357, 2359, 2743

The Committee on Regulated Industries requests an extension of 15 days for consideration of the following: Senate Bills 44, 154, 588, 1132, 1234, 1266, 1808, 1902, 1904, 1944, 1964, 2180, 2218, 2240, 2282, 2330, 2414, 2446, 2580, 2628, 2630, 2686, 2892, 3044; House Bills 1267, 1799, 1823, 3235

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: Senate Bills 10, 26, 62, 186, 224, 312, 472, 474, 478, 522, 524, 642, 656, 658, 660, 698, 834, 868, 882, 924, 962, 1040, 1212, 1268, 1298, 1320, 1456, 1474, 1560, 1594, 1762, 1792, 1800, 1836, 1908, 1910, 1932, 1978, 2086, 2124, 2166, 2202, 2224, 2268, 2272, 2464, 2532, 2604, 2708, 2710, 2776, 2800, 2972, 3078, 3116, 3124, 3134, 3136, 3138, 3156, 3160, 3180, 3188, 3190, 3198, 3200; House Bills 149, 231, 305, 451, 2317, 2393, 2399, 2409, 2469, 2691, 3191, 3229, 3231, 3243, 3253, 3269, 3283, 3285, 3317, 3319, 3359, 3369, 3389, 3391, 3395, 3403, 3415, 3417, 3419, 3423, 3445, 3467, 3469, 3581, 3595, 3611, 3625, 3667, 3699

The Special Master on Claims requests an extension of 15 days for consideration of the following: Senate Bills 50, 70, 76, 394, 484, 1344, 1992, 2988, 3072, 3094, 3144

The Committee on Transportation requests an extension of 15 days for consideration of the following: Senate Bills 118, 420, 586, 614, 822, 898, 1184, 1256, 1448, 1586, 1662, 1718, 1858, 1976, 2002, 2134, 2252, 2300, 2436, 2456, 2462, 2582, 2624, 2674, 2704, 2798, 2814, 2930, 2954; House Bills 55, 221, 279, 607, 1383, 1637, 1679, 3557, 3641

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Community Affairs and Senators Meek and Kiser—

CS for SB 1794—A bill to be entitled An act relating to growth management; creating s. 186.009, F.S.; requiring the Executive Office of the Governor to prepare a Strategic Growth Management Implementation

Plan and providing requirements with respect thereto; providing for submission of the plan to the Administration Commission and the Legislature; providing for the implementation of the plan under existing authority and providing for proposed legislation to implement remaining portions of the plan; amending s. 163.3171, F.S.; providing that the state land planning agency may modify certain requirements for comprehensive plans for certain counties and municipalities; providing requirements with respect thereto; amending s. 163.3174, F.S.; providing duties of the local planning agencies regarding comprehensive plan amendments; amending s. 163.3177, F.S.; revising requirements relating to the capital improvements element of comprehensive plans; providing for an optional rural development element; authorizing local governments to adopt comprehensive plans or plan amendments that establish one or more transportation concurrency management areas within urban areas and providing requirements with respect thereto; providing for review thereof and reports to and enforcement by the state land planning agency; directing the state land planning agency to adopt a rule setting criteria for the review and determination of compliance of comprehensive plans and for determining appropriate locations of such areas, for methodologies to determine average levels of service, and other appropriate techniques for relating levels of service; providing requirements with respect to local governments' evaluation and appraisal reports; amending s. 163.3184, F.S., relating to the process for adoption of comprehensive plans and amendments thereto; revising a requirement to qualify as an "affected person"; revising the definition of "in compliance"; revising requirements and time periods relating to intergovernmental review, local government review of comments and adoption of plan or amendments and transmittal to specified agencies, imposition of sanctions, and review by the state and regional planning agencies; revising procedures and requirements with respect to hearings regarding determination of compliance and recommended orders; authorizing compliance agreements between the state land planning agency and local governments and providing requirements regarding actions required to bring a plan or plan amendment into compliance; providing effect on administrative proceedings; providing requirements regarding orders issued by the Administration Commission relating to a plan's compliance; amending ss. 163.3167, 163.3213, F.S.; correcting references; amending s. 163.3187, F.S.; revising requirements relating to comprehensive plan amendments that may be approved without regard to limits on the frequency of such amendments; providing for an annual report; providing that amendments required by a compliance agreement may be approved without regard to such limits; creating s. 163.3203, F.S.; requiring that impact fees be based on a needs assessment and a level of service standard adopted in a comprehensive plan; prohibiting basing impact fees on existing infrastructure or service deficiencies; providing for separate trust funds; creating s. 163.3217, F.S.; authorizing local governments to adopt sector plans as amendments to comprehensive plans; providing requirements for preparation, adoption, and amendment thereof; providing for fees; providing for contents; providing for review; providing for rules; providing for appeals; authorizing the state land planning agency to carry out sector planning demonstration projects; requiring a report; providing for repeal; creating s. 163.3224, F.S.; directing the state land planning agency to develop a model development agreement which may be used to implement the Florida Local Government Development Agreement Act; amending s. 163.3229, F.S.; revising the period of duration of a development agreement under said act; specifying relationship to the local comprehensive plan; amending s. 163.3235, F.S.; providing for a report on the review of land subject to a development agreement; amending s. 163.3239, F.S.; specifying when a development agreement is effective; providing for rural technical assistance; amending s. 192.001, F.S.; providing standards for determining substantial completion of real and tangible personal property; creating s. 192.039, F.S.; providing for assessment and taxation of certain real property on a partial-year roll; creating s. 192.040, F.S.; providing for assessment and taxation of certain tangible personal property on a partial-year roll; amending s. 192.042, F.S.; providing an assessment day; amending s. 192.091, F.S.; providing for tax collector reimbursement; amending s. 193.052, F.S.; providing for partial-year property returns; amending s. 193.062, F.S.; providing a date for filing of returns; amending s. 193.114, F.S.; providing for preparation of partial-year rolls; amending s. 195.027, F.S.; requiring partial-year returns by agency rule; amending s. 196.011, F.S.; providing a requirement for application for exemption; amending s. 197.3635, F.S.; requiring information to be included on notice; creating s. 200.070, F.S.; requiring notice of partial-year assessment; requiring inclusion of partial-year 1990 property or 1991 rolls; amending s. 380.06, F.S.; providing that until concurrency becomes effective a development order approving phases of a development of regional impact shall be deemed in compliance if it provides for proportionate share contributions; providing severability; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senators Grant and Bruner—

CS for SB 1822—A bill to be entitled An act relating to saltwater conservation; amending s. 370.01, F.S.; revising the definition of the term "restricted species" for purposes of provisions relating to saltwater fisheries; amending s. 370.06, F.S.; revising criteria for the issuance of restricted species endorsement on a saltwater products license; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Kirkpatrick—

CS for SB 2528—A bill to be entitled An act relating to waste tire management; amending s. 403.709, F.S.; providing for distribution of proceeds of waste tire fees; authorizing the Department of Environmental Regulation to take certain actions to recover moneys expended from the Solid Waste Management Trust Fund; amending s. 403.717, F.S.; revising definitions; providing requirements for waste tire sites; prohibiting contracts for the disposal or processing of waste tires under certain circumstances; requiring the department to adopt rules for the registration of waste tire collection centers and site closure permits; exempting indoor tire storage from permit requirements; requiring the department to undertake safety measures at certain waste tire sites; providing for an exemption from the sales tax for mobile waste tire processing equipment; providing appropriations; providing an effective date.

By the Committee on Insurance and Senator Langley—

CS for SB 2670—A bill to be entitled An act relating to insurance; amending s. 624.315, F.S.; deleting certain annual report requirements; amending s. 624.418, F.S.; exempting certain insurers from a provision authorizing suspension or revocation of certificate of authority; amending s. 624.424, F.S.; providing authority for requiring audited financial statements based on statutory requirements; providing authority for commercial self-insurance funds to become domestic mutual insurers; amending s. 624.502, F.S.; increasing the service of process fee for service on certain insurers and other persons; amending s. 625.151, F.S.; modifying provision for valuation of certain securities; creating s. 625.181, F.S.; providing for the financial determination of assets received as capital or surplus contributions by insurers; amending s. 625.325, F.S.; revising limitations on investments in subsidiaries; amending ss. 625.50, 625.52, F.S.; providing for acceptance by the Department of Insurance of certain agent deposits; amending s. 627.4133, F.S.; exempting mortgage guaranty insurance from certain notice requirements; amending s. 627.476, F.S.; requiring life insurers to grant reduced paid-up nonforfeiture benefits in specified circumstances; amending s. 627.6785, F.S.; providing that credit life and credit disability policies must not make debtors or lessors under specified ages ineligible; providing minimum duration of coverage; amending s. 627.7288, F.S.; expanding applicability of the exclusion of motor vehicle windshields from deductibles; amending s. 627.782, F.S.; requiring promulgation of risk premiums, rather than risk premium rates, for title insurance; amending s. 627.803, F.S.; requiring variable or indeterminate value contracts to contain certain notice; amending s. 627.915, F.S.; deleting certain insurer experience reporting requirements; amending s. 634.312, F.S.; requiring home warranty policies to be delivered to the insured within a specified time; providing that the application is part of the contract; reenacting ss. 624.11(2), 624.316(1)(b), 629.518, 632.638(3), and 635.091, F.S., relating to risk retention groups, examinations, limited reciprocal insurers, fraternal benefit societies, and mortgage guaranty insurance, to incorporate the amendments to ss. 624.418 and 627.915, F.S., in references thereto; providing for review and repeal; amending s. 316.066, F.S.; providing penalties for failing to file accident reports; amending s. 316.614, F.S.; providing that the failure to use a safety belt may not be considered in mitigation of damages, but may be considered as evidence of comparative negligence; amending s. 319.30, F.S.; exempting certain vehicles from prohibitions on dismantling, destruction, or change of identity of motor vehicle or mobile home; amending s. 320.02, F.S.; requiring specific information on proof-of-purchase cards; creating s. 322.0261, F.S.; requiring driver improvement courses in certain cases; amending s. 324.051, F.S.; eliminating exemptions to suspension of driver's license; amending s. 324.121, F.S.; providing exemptions to license suspension; amending s. 624.155, F.S.; clarifying legislative intent with respect to the issues of preemption of other remedies and with respect to the issue of the definition of damages; correcting a cross-reference; providing legislative intent with respect to civil remedies; reenacting s. 624.488(1), F.S., relating to commercial self-insurance funds, to incorporate the amendment to s. 624.155, F.S., in a reference thereto; creating s. 624.3151, F.S.; requiring publication of insurer com-

plaint ratios; amending s. 626.9541, F.S.; increasing the time period for surcharges; providing that it is not an unfair insurance trade practice to refuse to insure a person in certain circumstances; amending s. 627.0651, F.S.; revising provisions for making and use of rates for motor vehicle insurance; redesignating s. 627.331(4), F.S., as s. 627.0651(13), F.S.; providing for a pilot project treating all of a county meeting specified criteria as one rating territory; creating s. 627.0653, F.S.; requiring discounts for specified items; amending s. 627.7262, F.S.; revising provisions relating to joinder and nonjoinder of insurers; amending s. 627.727, F.S.; revising provision for rejection of uninsured motorist coverage; amending s. 627.736, F.S.; providing for binding arbitration in personal injury protection claims; amending s. 627.745, F.S.; providing for mediation of personal injury claims; amending s. 768.79, F.S.; providing certain procedures for offers of judgment; creating s. 817.236, F.S.; providing criminal penalties for submission of fraudulent motor vehicle insurance applications; requiring insurers to report the rate impact of the act to the Department of Insurance; providing for review and repeal; providing for a feasibility study on insurance coverage availability at tax collectors offices; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Langley—

CS for SB 3178—A bill to be entitled An act relating to Lake Weir and Little Lake Weir, Marion County; establishing construction criteria for private single-family dock and boathouse facilities on Lake Weir and Little Lake Weir; providing an effective date.

Proof of publication of the required notice was attached.

Motions

On motion by Senator Scott, by two-thirds vote SB 1774 was placed on the special order calendar.

On motion by Senator Scott, the rules were waived and the Committee on Community Affairs was granted permission to meet May 28 from 1:00 p.m. until 2:00 p.m. to consider SB 2072, SB 1690 and HB 2745.

On motion by Senator Margolis, the rules were waived and the Committee on Appropriations was granted permission to meet May 25 at 12:00 noon or upon adjournment to consider CS for SB 1304, CS for SB 1548, CS for SB 1906, CS for SB 2450, CS for SB 2528, CS for SB 2536, CS for SB 2586, CS for SB 2598, CS for SB 2744, CS for SB 3034 and CS for SB's 1120 and 2610.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote HB 3615 was withdrawn from the Committee on Higher Education; CS for SB 336 was withdrawn from the Committee on Community Affairs; CS for SB 548, CS for SB 1736, CS for SB 2052 and SB 2506 were withdrawn from the Committee on Governmental Operations; SB 2732 was withdrawn from the Committee on Rules and Calendar; and CS for SB 2982 was withdrawn from the Committee on Health Care.

On motion by Senator Deratany, by two-thirds vote CS for SB 3034 was withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Margolis, by two-thirds vote CS for SB 182, Senate Bills 582 and 1542, CS for SB 1544, CS for CS for SB 1578, CS for SB 1814, CS for SB 2276, CS for SB 2470, CS for SB 2486, CS for SB 2702, CS for SB 2740, CS for SB 74 and CS for CS for SB 1068 were withdrawn from the Committee on Appropriations.

On motions by Senator Margolis, by two-thirds vote CS for SB 240 was withdrawn from Subcommittee C of the Committee on Appropriations and the Committee on Appropriations.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

Appointments Subject to Confirmation by the Senate:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

Office and Appointment

	For Term Ending
Greater Orlando Aviation Authority Appointee: Handy, Gail S., Winter Park	04/16/94
Board of Trustees of Broward Community College Appointees: Cross, Joyce B., Coral Springs Miller, Dorsey C., Lauderdale	05/31/94 05/31/94

Referred to the Committee on Executive Business.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB's 41, 73 and 1501 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Community Affairs and Representative Reddick and others—

CS for HB's 41, 73 and 1501—A bill to be entitled An act relating to public housing eviction policy; repealing s. 421.102, F.S., which provides for the eviction of tenants who are adjudicated guilty of violations of law relating to the sale, manufacture, delivery, or possession of a controlled substance and for other household members to retain possession of the premises; providing an effective date.

(Substituted for CS for SB 1204 on the special order calendar this day.)

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 494, CS for SB 502, SB 710, SB 1986, SB 2418, SB 3118, SB 3130 and SB 3176.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

SPECIAL ORDER

Consideration of **SB 804** and **CS for CS for SB 538** was deferred.

On motions by Senator Casas, by two-thirds vote HB 2345 was withdrawn from the Committees on Health and Rehabilitative Services and Governmental Operations.

On motion by Senator Casas—

HB 2345—A bill to be entitled An act relating to youth services; amending s. 959.225, F.S.; authorizing disclosure of privileged youth services information to the Parole Commission; providing an effective date.

—a companion measure, was substituted for SB 1066 and read the second time by title. On motion by Senator Casas, by two-thirds vote HB 2345 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Grizzle	Peterson
Bankhead	Deratany	Jennings	Scott
Beard	Diaz-Balart	Johnson	Souto
Brown	Dudley	Kiser	Stuart
Bruner	Forman	Langley	Thomas
Casas	Gardner	Malchon	Thurman
Childers, D.	Girardeau	Margolis	Weinstein
Childers, W. D.	Gordon	Meek	Weinstock
Crenshaw	Grant	Myers	Woodson-Howard

Nays—None

Vote after roll call:

Yea—McPherson

CS for SB's 1640 and 1740—A bill to be entitled An act relating to governmental data processing software; creating s. 119.083, F.S.; authorizing certain governmental agencies to obtain copyrights for data

processing software created by such agencies; authorizing such agencies to enforce rights pertaining to said copyrights; authorizing agencies to sell or license copyrighted data processing software, with certain restrictions; providing applicability; providing an effective date.

—was read the second time by title.

Senator Kiser moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 19-24 and insert:

(1) As used in this section, "data processing software" has the same meaning as

Amendment 2—On page 2, strike all of lines 4-6 and insert: licensing of copyrighted data processing software may be deposited by a state agency into an agency trust fund. Counties, municipalities, and other political subdivisions of the state may designate how such sale and licensing proceeds are to be used. Prices or fees for

On motion by Senator Bankhead, by two-thirds vote CS for SB's 1640 and 1740 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Davis	Grizzle	Scott
Bankhead	Deratany	Jennings	Souto
Beard	Diaz-Balart	Johnson	Stuart
Brown	Dudley	Kiser	Thomas
Bruner	Forman	Langley	Thurman
Casas	Gardner	Malchon	Weinstein
Childers, D.	Girardeau	Margolis	Weinstock
Childers, W. D.	Gordon	Myers	Woodson-Howard
Crenshaw	Grant	Peterson	

Nays—None

Vote after roll call:

Yea—McPherson

On motions by Senator Crenshaw, by two-thirds vote CS for HB 1247 was withdrawn from the Committees on Governmental Operations and Rules and Calendar.

On motion by Senator Crenshaw—

CS for HB 1247—A bill to be entitled An act relating to the designation of a state band; creating s. 15.049, F.S.; designating the St. Johns River City Band as an official state band; providing an effective date.

—a companion measure, was substituted for SB 804 and read the second time by title. On motion by Senator Crenshaw, by two-thirds vote CS for HB 1247 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Deratany	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Stuart
Brown	Forman	Langley	Thomas
Bruner	Gardner	Malchon	Thurman
Casas	Girardeau	Margolis	Weinstein
Childers, W. D.	Gordon	Meek	Weinstock
Crenshaw	Grant	Myers	Woodson-Howard
Davis	Grizzle	Peterson	

Nays—None

Vote after roll call:

Yea—D. Childers, McPherson, Plummer

CS for CS for SB 158—A bill to be entitled An act relating to parking facilities; requiring the parking facility of every structure built after a certain date and designed to use covered or underground parking as the primary available parking to have a minimum height clearance; requiring specified signs; providing an exemption from height specified limitations and requirements imposed by local ordinance; providing exemptions for certain structures for which plans have been sealed by an architect; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote CS for CS for SB 158 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Dudley	Langley	Stuart
Bankhead	Forman	Malchon	Thomas
Beard	Gardner	Margolis	Thurman
Brown	Gordon	McPherson	Weinstein
Casas	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Scott	
Diaz-Balart	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—McPherson

On motion by Senator Forman, the rules were waived and **CS for SB 158** was ordered immediately certified to the House.

SB 2136—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 322.051, F.S.; authorizing the department to issue identification cards without regard to whether the applicant is a licensed driver; providing that cards issued to certain persons expire only upon the death of the holder; providing effective dates.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote SB 2136 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Diaz-Balart	Kiser	Scott
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Weinstein
Childers, W. D.	Grant	Myers	Woodson-Howard
Crenshaw	Grizzle	Peterson	
Davis	Johnson	Plummer	

Nays—None

CS for SB 1024—A bill to be entitled An act relating to transportation; amending s. 120.53, F.S.; authorizing the use of express delivery service to provide notice of certain decisions of the Department of Transportation; amending s. 337.11, F.S.; providing procedures for notice of the department's bid solicitations; providing prerequisites for such notice; providing prerequisites for protesting the department's bid solicitation, contract award, or bid rejection; providing for forfeiture of the bond of a person who files a frivolous or improper protest; providing recordkeeping requirements; amending s. 337.125, F.S.; providing procedures for the department to document that a subcontractor is a disadvantaged business enterprise; amending s. 339.0805, F.S.; requiring the department to annually certify socially and economically disadvantaged business enterprises; providing procedures for such certification or the denial thereof; providing the department authority to revoke such certification under certain circumstances; providing procedures for such revocation; excluding businesses denied certification from inclusion on the department's directory of disadvantaged business enterprises during judicial review of such exclusion; amending s. 337.16, F.S.; providing an exception from the requirements of disqualification of delinquent contractors; amending s. 337.175, F.S.; providing that contractors may substitute certificates of deposit or irrevocable letters of credit in lieu of retainage; amending s. 337.18, F.S.; providing for a schedule of daily liquidated damage charges for construction contracts; providing for updating such schedule; providing for liquidated damage amounts by category; providing for the assessment of liquidated damages for delays on state-funded projects; exempting federally assisted projects from such damages under certain circumstances; providing for the assessment of penalties in certain circumstances on federally assisted projects; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendments which were adopted:

Amendment 1—On page 8, strike all of lines 7-11 and insert: whichever is later.

Amendment 2—On page 16, between lines 18 and 19, insert:

Section 9. Subsections (3) and (4) of section 339.12, Florida Statutes, are amended, present subsection (5) is renumbered as subsection (6), present subsection (6) is renumbered as subsection (7) and amended, and new subsections (5) and (8) are added to said section, to read:

339.12 Aid and contributions by governmental entities for rights-of-way, construction, or maintenance of roads in State Highway System; federal aid.—

(Substantial rewording of subsections. See s. 339.12(3) and (4), F.S., for present text.)

(3) In case any such aid or contribution is given or made by any governmental entity, such aid or contribution shall be used by the department only for the project or project phase or maintenance of such state roads as are designated and agreed upon by the department and the governing body of the governmental entity.

(4)(a) Prior to accepting the contribution of road bond proceeds, time warrants, or cash for which reimbursement is sought, the department shall enter into agreements with the governing body of the governmental entity for the project or project phases of the roads and bridges in accordance with specifications agreed upon between the department and the governing body of the the governmental entity. The department in no instance is to receive from such governmental entity an amount in excess of the actual cost of the project or project phase of such state roads. By specific provision in the written agreement between the department and the governing body of the governmental entity, the department may agree to reimburse the governmental entity for the actual amount of the bond proceeds, time warrants, or cash used on a project or project phases in the State Highway System that are not revenue producing and are contained in the department's adopted work program. Subject to appropriation of funds by the Legislature, the department may commit state funds for reimbursement of such projects or project phases in the State Highway System. Reimbursement to the governmental entity for such a project or project phase must be made from funds appropriated by the Legislature and reimbursement for the cost of the project or project phase is to begin in the year the project or project phase is scheduled in the work program as of the date of the agreement. Funds advanced pursuant to this section, which were originally designated for transportation purposes and so reimbursed to a county or municipality shall be used by the county or municipality for any transportation expenditure authorized under s. 336.025(7).

(b) Prior to entering an agreement to advance a project or project phase pursuant to subsections (4) and (5) of this section, the department shall first update the estimated cost of the project or project phase and certify that the estimate is accurate and consistent with the amount estimated in the adopted work program. If the original estimate and the updated estimate vary, the department shall amend the adopted work program according to the amendatory procedures for the work program set forth in s. 339.135(8). The amendment shall reflect all corresponding increases and decreases to the affected projects within the adopted work program.

(5) *The department and the governing body of a governmental entity may enter into an agreement by which the governmental entity agrees to perform a project or project phase in the department's adopted work program for a road in the State Highway System that is not revenue producing. By specific provision in the written agreement between the department and the governing body of the governmental entity, the department may agree to reimburse the governmental entity the actual cost of preliminary engineering, project design, acquisition of the right-of-way necessary for the project, construction engineering inspection, or the construction contract for the project or project phase contained in the adopted work program. Reimbursement to the governmental entity for such project or project phases must be made from funds appropriated by the Legislature, and reimbursement for the cost of the project or project phase is to begin in the year the project or project phase is scheduled in the work program as of the date of the agreement.*

(7)(6) The federal-aid money obtained under subsection (6)(5) shall first be applied to the completion of the roads for which the bonds have been voted, if the money from the bonds is not sufficient therefor; and any residue shall be expended in the acquisition of rights-of-way or the construction of any state road that the department and the ~~commissioners of the county or the governing body of the governmental entity~~ municipality may agree upon.

(8) *The financial provisions of any agreement that are made in accordance with the provisions of this section shall be approved by the department comptroller.*

Section 10. Subsection (12) of section 335.20, Florida Statutes, is amended, and subsection (13) is added to said section, to read:

335.20 Short title; local government cooperative assistance program.—

(12) *The department shall provide 50 percent of the cost of any project funded pursuant to this section. The department shall provide 20 percent of the cost of any project funded pursuant to this section, provided that the applying county has adopted, the county within which the applying municipality is located has adopted, or the county or counties wherein the applying expressway or transportation authority has jurisdiction have adopted at least 4 cents of the local option gas taxes on motor fuel and special fuel, as provided in s. 336.025. Local governments may use any revenue only the proceeds of the local option gas tax or the proceeds of the bonds pledged by the local option gas tax for matching purposes.*

(13) *Prior to entering an agreement to advance a project or project phase pursuant to this section, the department shall first update the estimated cost of the project or project phase and certify that the estimate is accurate and consistent with the amount estimated in the adopted work program. If the original estimate and the updated estimate vary, the department shall amend the adopted work program according to the amendatory procedures for the work program set forth in s. 339.135(8). The amendment shall reflect all corresponding increases and decreases to the affected projects within the adopted work program.*

(Renumber subsequent section.)

Amendment 3—In title, on page 2, line 14, after the semicolon (;) insert: amending s. 339.12, F.S.; revising language with respect to aid and contributions by governmental entities for rights-of-way, construction, or maintenance of roads and bridges in the State Highway System; amending s. 335.20, F.S.; revising the Local Government Transportation Assistance Act with respect to project funding by the Department of Transportation;

On motion by Senator Forman, by two-thirds vote CS for SB 1024 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Deratany	Jennings	Souto
Bankhead	Diaz-Balart	Johnson	Stuart
Beard	Dudley	Malchon	Thomas
Brown	Forman	Margolis	Thurman
Casas	Gardner	McPherson	Weinstein
Childers, D.	Girardeau	Meek	Woodson-Howard
Childers, W. D.	Gordon	Myers	
Crenshaw	Grant	Peterson	
Davis	Grizzle	Plummer	

Nays—None

On motion by Senator Forman, the rules were waived and **CS for SB 1024** was ordered immediately certified to the House.

Reconsideration

On motion by Senator Bankhead, the rules were waived and the Senate reconsidered the vote by which—

SB 2136—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 322.051, F.S.; authorizing the department to issue identification cards without regard to whether the applicant is a licensed driver; providing that cards issued to certain persons expire only upon the death of the holder; providing effective dates.

—passed this day.

Pending further consideration of SB 2136, on motions by Senator Bankhead, by two-thirds vote CS for HB 1679 was withdrawn from the Committees on Transportation; Finance, Taxation and Claims; and Appropriations.

On motions by Senator Bankhead, by two-thirds vote—

CS for HB 1679—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 322.051, F.S.; authorizing the department to issue identification cards without regard to whether the applicant is a licensed driver; providing that, with respect to certain cardholders, such cards expire only upon the death of the holder or cancellation by the department; providing effective dates.

—a companion measure, was substituted for SB 2136 and read the second time by title. On motion by Senator Bankhead, by two-thirds vote CS for HB 1679 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Davis	Grizzle	Plummer
Bankhead	Deratany	Jennings	Souto
Beard	Diaz-Balart	Johnson	Stuart
Brown	Dudley	Kiser	Thomas
Bruner	Forman	Malchon	Thurman
Casas	Gardner	Margolis	Weinstein
Childers, D.	Girardeau	McPherson	Woodson-Howard
Childers, W. D.	Gordon	Myers	
Crenshaw	Grant	Peterson	

Nays—None

Consideration of **CS for SB 470, CS for SB 1204 and SB 1584** was deferred.

On motion by Senator Forman, by two-thirds vote CS for HB 3641 was withdrawn from the Committee on Transportation.

On motion by Senator Forman—

CS for HB 3641—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.302, F.S.; specifying the federal regulations applicable to such vehicles; amending s. 316.515, F.S.; permitting the operation of certain semitrailers in this state; providing limitations; amending s. 316.550, F.S.; authorizing the issuance of permits to move certain self-propelled truck cranes under certain conditions; providing penalties; providing an effective date.

—a companion measure, was substituted for CS for SB 2128 and read the second time by title. On motion by Senator Forman, by two-thirds vote CS for HB 3641 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Deratany	Grizzle	Myers
Bankhead	Diaz-Balart	Jennings	Peterson
Beard	Dudley	Johnson	Plummer
Brown	Forman	Kirkpatrick	Souto
Casas	Gardner	Malchon	Stuart
Childers, W. D.	Girardeau	Margolis	Thurman
Crenshaw	Gordon	McPherson	Weinstein
Davis	Grant	Meek	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Thomas

Consideration of **CS for SB 2258, CS for CS for SB 2196 and SB 2592** was deferred.

CS for SB 2340—A bill to be entitled An act relating to tobacco products; creating s. 859.062, F.S.; prohibiting the sale or delivery of tobacco products to a minor within a specified distance of the real property of a school; providing penalties; limiting use of tobacco vending machines in such areas; providing civil penalties; providing for deposit of fines; providing an effective date.

—was read the second time by title. On motion by Senator Crenshaw, by two-thirds vote CS for SB 2340 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gardner	Kiser	Souto
Bankhead	Girardeau	Malchon	Stuart
Brown	Gordon	Margolis	Thomas
Casas	Grant	McPherson	Thurman
Crenshaw	Grizzle	Meek	Weinstein
Davis	Jennings	Myers	Woodson-Howard
Deratany	Johnson	Peterson	
Dudley	Kirkpatrick	Plummer	

Nays—None

Senator W. D. Childers presiding

Consideration of **CS for SB 550** was deferred.

SB 1284—A bill to be entitled An act relating to remedies for unlawful discriminatory practices; creating s. 760.07, F.S.; providing for a right of action for equitable remedies and actual and punitive damages for persons aggrieved by discriminatory practices in the areas of education, employment, housing, and public accommodations; providing for attorney's fees and court costs; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 1284 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Bankhead	Dudley	Kirkpatrick	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grant	Myers	Woodson-Howard
Childers, W. D.	Grizzle	Peterson	
Crenshaw	Jennings	Plummer	
Davis	Johnson	Souto	

Nays—None

On motion by Senator Gordon, the rules were waived and **SB 1284** was ordered immediately certified to the House.

CS for SB 550—A bill to be entitled An act relating to health insurance; amending s. 627.6375, F.S.; requiring insurers offering individual health insurance policies to enter into contracts for alternative rates of payment to also contract with optometrists, podiatrists, and chiropractors; amending s. 627.6695, F.S.; requiring insurers offering group health insurance policies who enter into contracts for alternative rates of payment to also contract with optometrists, podiatrists, and chiropractors; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for SB 550 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Bankhead	Davis	Jennings	Peterson
Beard	Diaz-Balart	Johnson	Plummer
Brown	Dudley	Kirkpatrick	Souto
Bruner	Forman	Kiser	Stuart
Casas	Gardner	Langley	Thomas
Childers, D.	Girardeau	Margolis	Thurman
Childers, W. D.	Gordon	McPherson	Weinstock
Crenshaw	Grant	Myers	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Grizzle, Malchon

CS for SB's 1556, 618 and CS for SB 1514—A bill to be entitled An act relating to education; creating a Postsecondary Education Success Incentive Program; specifying student eligibility requirements; providing for fund administration by the Department of Education; providing guidelines for the disbursement of funds; establishing the Education Suc-

cess Incentive Program for disadvantaged students; providing for school district proposals to be competitively funded; providing for agreements between students and schools; providing for monitoring student progress; establishing a trust fund; specifying conditions for receipt of funds by students; specifying the use of funds; establishing the Education Success Incentive Council; establishing a direct-support organization; amending s. 232.23, F.S.; providing requirements for secondary school transcripts; providing an effective date.

—was read the second time by title.

On motion by Senator Stuart, the rules were waived to allow the following amendments to be considered:

Senators Peterson and Stuart offered the following amendments which were moved by Senator Stuart and adopted:

Amendment 1—On page 15, between lines 15 and 16, insert:

Section 4. Paragraph (a) of subsection (2) of section 240.409, Florida Statutes, is amended to read:

240.409 Florida Public Student Assistance Grant Fund; eligibility for grants.—

(2)(a) State student assistance grants from the fund may be made only to full-time students who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed a total of \$1,500 per academic year, or as specified in the General Appropriations Act, to any applicant. *However, a student who obtains a minimum 2.5, but not more than 3.4, unweighted grade-point average on a 4.0 scale, or the equivalent, in high school subjects acceptable for credit toward a diploma, including 3 years of mathematics at the level of Algebra I and above, 3 years of level 2 or 3 science as provided in s. 236.1228, and 2 years of a foreign language, may receive a grant in an amount of demonstrated unmet need not to exceed \$2,300 per academic year. Such amount includes the Florida Student Assistance Grant and the incentive award.* A demonstrated unmet need of less than \$200 shall render the applicant ineligible for a state student assistance grant. Recipients of such grants must have been accepted at a state university or community college authorized by Florida law. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters in a period of not more than 6 consecutive years, except as otherwise provided in s. 240.404(3).

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 20, after the semicolon (;) insert: amending s. 240.409, F.S.; providing for an increased grant award from the Florida Public Student Assistance Grant Fund for students who meet specified academic criteria;

On motion by Senator Bankhead, by two-thirds vote CS for SB's 1556, 618 and CS for SB 1514 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Bankhead	Deratany	Jennings	Peterson
Beard	Diaz-Balart	Johnson	Plummer
Brown	Dudley	Kirkpatrick	Souto
Bruner	Forman	Kiser	Stuart
Casas	Gardner	Langley	Thomas
Childers, D.	Girardeau	Malchon	Thurman
Childers, W. D.	Gordon	McPherson	Weinstein
Crenshaw	Grant	Meek	Weinstock
Davis	Grizzle	Myers	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Walker

SB 1938—A bill to be entitled An act relating to trafficking in controlled substances; amending s. 893.135, F.S.; providing that trafficking in specified amounts of cocaine or opiates is a capital felony punishable by death or life imprisonment; creating s. 921.142, F.S.; providing findings; providing for separate proceedings on the issue of penalty; providing for advisory sentence by the jury; requiring the court to make certain

findings if it imposes the death penalty; providing for Supreme Court review of judgments of conviction and sentences of death; providing aggravating and mitigating circumstances; amending s. 921.141, F.S.; providing that said section does not apply to capital drug trafficking felonies; providing an effective date.

—was read the second time by title.

Senators Deratany and Langley offered the following amendment which was moved by Senator Langley:

Amendment 1—On page 1, line 22, through page 3, line 24, strike all of said lines and insert:

Section 1. Paragraphs (b) and (c) of subsection (1) and subsection (3) of section 893.135, Florida Statutes, are amended to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.—

(1) Except as authorized in this chapter or in chapter 499 and notwithstanding the provisions of s. 893.13:

(b)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of cocaine as described in s. 893.03(2)(a)4. or of any mixture containing cocaine, *but less than 150 kilograms of cocaine or any such mixture, commits is guilty of a felony of the first degree, which felony shall be known as "trafficking in cocaine."* If the quantity involved:

a.1. Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 calendar years and to pay a fine of \$50,000.

b.2. Is 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 5 calendar years and to pay a fine of \$100,000.

c.3. Is 400 grams or more, *but less than 5,000 grams*, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of \$250,000.

d. *Is 5,000 grams or more, but less than 150 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and to pay a fine of \$500,000.*

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of 150 kilograms or more of cocaine as described in s. 893.03(2)(a)4., *commits the capital felony of trafficking in cocaine, punishable as provided in ss. 775.082 and 921.142. Such person shall also be sentenced to pay the maximum fine provided under subparagraph 1.*

(c)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of any morphine, opium, or any salt, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b) or (2)(a), or 4 grams or more of any mixture containing any such substance, *but less than 30 kilograms of such substance or mixture, commits is guilty of a felony of the first degree, which felony shall be known as "trafficking in illegal drugs."* If the quantity involved:

a.1. Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 calendar years and to pay a fine of \$50,000.

b.2. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 10 calendar years and to pay a fine of \$100,000.

c.3. Is 28 grams or more, *but less than 30 kilograms*, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 calendar years and to pay a fine of \$500,000.

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of 30 kilograms or more of any morphine, opium, or any salt, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b) or (2)(a), or 30 kilograms or more of any mixture containing any such substance, *commits the capital felony of trafficking in illegal drugs, punishable as provided in ss. 775.082 and 921.142. Such person shall also be sentenced to pay the maximum fine provided under subparagraph 1.*

(3) Notwithstanding the provisions of s. 948.01, with respect to any person who is found to have violated this section, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, nor shall such person be eligible for parole prior to serving the mandatory minimum term of imprisonment prescribed by this section. *In addition, a person who is found to have violated sub-subparagraph (1)(b)1.d. or subparagraph (1)(b)2. shall not be eligible for any gain-time granted by the Department of Corrections with the exception of no more than 10 days of incentive gain-time each month granted pursuant to s. 944.275(4)(b).*

(Renumber subsequent sections.)

Senators Deratany and Langley offered the following amendment to Amendment 1 which was moved by Senator Langley and adopted:

Amendment 1A—On page 3, strike line 29 and insert: *(1)(b)1.a. shall not be eligible for*

Amendment 1 as amended was adopted.

Senators Deratany and Langley offered the following amendments which were moved by Senator Langley and adopted:

Amendment 2—In title, on page 1, line 2, strike "trafficking in"

Amendment 3—In title, on page 1, line 6, after the semicolon (;) insert: providing an additional level of cocaine trafficking and providing criminal penalties, including a mandatory minimum term of imprisonment, an enhanced fine, and a prohibition of basic gain-time; creating s. 893.148, F.S.; prohibiting the use of a communication facility to commit or facilitate the commission of a violation of s. 893.13 or s. 893.135, F.S.; providing a definition; providing felony penalties; providing for separate offenses;

On motion by Senator Beard, by two-thirds vote SB 1938 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Bankhead	Diaz-Balart	Johnson	Plummer
Beard	Dudley	Kirkpatrick	Stuart
Brown	Forman	Kiser	Thurman
Bruner	Gardner	Langley	Walker
Casas	Girardeau	Margolis	Weinstein
Childers, W. D.	Gordon	McPherson	Woodson-Howard
Crenshaw	Grant	Meek	
Davis	Grizzle	Myers	
Deratany	Jennings	Peterson	

Nays—2

Malchon Weinstock

Vote after roll call:

Yea—Souto

Yea to Nay—Gordon

CS for SB's 1622 and 2914—A bill to be entitled An act relating to county and municipal impact fees; providing that a county or municipality may elect to collect impact fees that it levies on new construction by the installment method for a limited term of years; specifying a date by which each such installment must be paid; providing for the collection of delinquent impact fees; providing that the revenues from impact fees paid in installments may be used for financing improvements or for repayment of bonds issued to pay for services and facilities needed to accommodate new construction; providing for interest and penalties; providing for liens and their foreclosure; providing for a hearing and adoption of an impact fee assessment roll; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote CS for SB's 1622 and 2914 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Bruner	Childers, W. D.	Deratany
Beard	Casas	Crenshaw	Diaz-Balart
Brown	Childers, D.	Davis	Dudley

Forman	Johnson	Meek	Walker
Gardner	Kirkpatrick	Myers	Weinstein
Girardeau	Kiser	Peterson	Weinstock
Gordon	Langley	Souto	Woodson-Howard
Grant	Malchon	Stuart	
Grizzle	Margolis	Thomas	
Jennings	McPherson	Thurman	

Nays—None

On motion by Senator Bankhead, the rules were waived and **CS for SB's 1622 and 2914** was ordered immediately certified to the House.

On motions by Senator Johnson, by two-thirds vote HB 2815 was withdrawn from the Committees on Judiciary-Civil and Judiciary-Criminal.

On motion by Senator Johnson—

HB 2815—A bill to be entitled An act relating to public defender conflict of interest appointments; amending s. 27.53, F.S.; deleting authorization to appoint a public defender from another circuit and provide office necessities, and reenacting s. 925.037(1), (4)(a), and (8), F.S., relating to reimbursement of counties for fees paid to appointed counsel, to incorporate said amendment in references thereto; providing an effective date.

—a companion measure, was substituted for SB 1774 and read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 2815 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Deratany	Kirkpatrick	Plummer
Beard	Dudley	Kiser	Souto
Brown	Gardner	Langley	Stuart
Bruner	Girardeau	Malchon	Thomas
Casas	Gordon	Margolis	Thurman
Childers, D.	Grant	McPherson	Walker
Childers, W. D.	Grizzle	Meek	Weinstein
Crenshaw	Jennings	Myers	Weinstock
Davis	Johnson	Peterson	Woodson-Howard

Nays—None

On motions by Senator Weinstock, by two-thirds vote CS for HB 2527 was withdrawn from the Committees on Health and Rehabilitative Services; and Appropriations.

On motion by Senator Weinstock—

CS for HB 2527—A bill to be entitled An act relating to disabled persons; requiring the Department of Health and Rehabilitative Services to contract for a study of the service needs of the state's disabled adult population; requiring cooperation of the Department of Labor and Employment Security and other agencies; providing guidelines; requiring reports and development of a multiyear plan; providing an effective date.

—a companion measure, was substituted for CS for SB 470 and read the second time by title.

Senator Weinstock moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 13 and 14, insert:

Section 1. Subsection (2) of section 400.461, Florida Statutes, is amended to read:

400.461 Short title; purpose.—

(2) The purpose of this act is to provide for the licensure of every home health agency ~~which is certified or seeks certification as a Medicare home health service provider~~ and to provide for the development, establishment, and enforcement of basic standards which will ensure the safe and adequate care of persons receiving Medicare health services in their own homes. The provisions of this part do not supersede applicable federal laws or regulations.

Section 2. Subsections (2) and (4) of section 400.462, Florida Statutes, are amended to read:

400.462 Definitions.—When used in this part, unless the context otherwise requires, the term:

(2) "Home health agency," hereinafter referred to as "agency," means any public agency or private organization, or a subdivision of such an agency or organization, whether operated for profit or not, which provides home health services ~~and which is certified or seeks certification as a Medicare home health service provider, except as provided in s. 400.505.~~

(4) "Home health services," hereinafter referred to as "services," means health and medical services and medical supplies furnished to an individual by a home health agency or by others under arrangements with the agency, on a visiting basis, in a place of residence used as an individual's home. Such services may include, but are not limited to, the following:

- (a) Part-time or intermittent nursing care.
- (b) Physical, occupational, or speech therapy.
- (c) Medical social services, ~~home health aide services, and nutritional guidance.~~
- (d) Home health aide services.
- (e) Nutritional guidance.
- (f)(d) Medical supplies, ~~restricted to other than drugs and biologicals prescribed by a physician, and the use of medical appliances.~~

However, the furnishing of only home dialysis and infusion therapy services, supplies, or equipment, or personal care services provided by a community-care-for-the-elderly lead agency pursuant to s. 410.0241, or personal care services provided by a community care for disabled adults program pursuant to s. 410.604, shall not be deemed a home health service under any of the provisions of this part. This personal care exemption shall not apply to any agency or provider other than community care for the elderly lead agencies or community care for disabled adults programs which directly provide personal care services.

Section 3. Subsections (2) and (3) of section 400.467, Florida Statutes, are amended to read:

400.467 License required; fee; display.—

(2) The ~~annual~~ license fee and annual renewal fee required of an agency shall be nonrefundable and in an amount determined by the department to be sufficient to cover the department's costs in carrying out its responsibilities under this part but not to exceed \$500. However, state, county, or municipal governments ~~counties or municipalities~~ applying for licenses under this part are exempt from the payment of license fees.

(3) The license shall be displayed in a conspicuous place inside the agency and shall be valid only in the possession of the individual, firm, partnership, association, or corporation to which it is issued and shall not be subject to sale, assignment, or other transfer, voluntary or involuntary, nor shall a license be valid for any agency or location other than that for which originally issued.

Section 4. Subsections (1) and (3) of section 400.471, Florida Statutes, are amended to read:

400.471 Application for license.—

(1) Application for license shall be made under oath, to the department on forms furnished by it and shall be accompanied by the appropriate license fee.

(3) The department shall not issue a license designated as certified to a home health agency which fails to receive a certificate of need under the provisions of ss. 381.701-381.715.

Section 5. Subsection (1) of section 400.477, Florida Statutes, is amended to read:

400.477 Expiration of license; renewal; conditional license or permit.—

(1)(a) Licenses issued for the operation of an agency, unless sooner suspended or revoked, shall expire 1 year from the date of issuance. Sixty days prior to the expiration date, an application for renewal shall be submitted to the department under oath on forms furnished by the department, and licenses shall be renewed if the applicant has first met the requirements established under this act and all rules promulgated here-

under. The agency shall file with the application satisfactory proof that the agency is in compliance with this act and all rules and minimum standards promulgated hereunder and satisfactory proof of financial ability to operate and conduct the agency in accordance with the requirements of this act.

~~(b) Any agency having a license on October 1, 1983, may not be denied a renewal of such license on the basis of not being certified as a Medicare home health service provider.~~

Section 6. Paragraph (g) is added to subsection (1) of section 400.497, Florida Statutes, to read:

400.497 Rules establishing minimum standards; screening of home health agency personnel.—

(1) Pursuant to the intent of the Legislature to provide safe and adequate home health services, the department shall adopt, publish, and enforce rules to implement the provisions of this act which shall include reasonable and fair minimum standards in relation to:

(g) Geographic service areas as defined by county boundaries for non-Medicare agencies and Department of Health and Rehabilitative Services district boundaries for Medicare certified agencies.

Section 7. Subsection (2) of section 400.501, Florida Statutes, is amended to read:

400.501 Prohibited acts; penalties for violation.—

(1) It is unlawful for any person or public body to offer or advertise to the public, in any way by any medium whatever, home health services as defined in this act without obtaining a valid current license. It is unlawful for any holder of a license issued pursuant to the provisions of this act to advertise or hold out to the public that it holds a license for an agency other than that for which it actually holds a license.

(2) Any person found guilty of violating subsection (1) shall be guilty of a misdemeanor of the first ~~second~~ degree, punishable as provided in s. 775.083. Each day of continuing violation shall be considered a separate offense.

Section 8. Subsection (6) of section 410.023, Florida Statutes, is amended to read:

410.023 Definitions.—As used in this act:

(6) "Lead agency" means an agency designated in each community care service system which shall have the authority and responsibility to coordinate services for functionally impaired elderly persons; to provide case management, except when the department agrees to provide case management directly through its own service workers; to provide, or subcontract for the provision of, no fewer than four ~~three~~ core services; to compile community care statistics; and to monitor subcontracts with agencies providing core services.

Section 9. Subsection (1) of section 410.0241, Florida Statutes, is amended to read:

410.0241 Community care service system.—

(1) The department or contracting agency shall fund in each district, and in each subdistrict where practicable, at least one community care service system which shall provide case management and no fewer than ~~three~~ four core services to functionally impaired elderly persons. Core services are those services which are most needed to prevent unnecessary institutionalization. Core services shall be limited to homemaker and chore services, respite care, adult day care, medical transportation, mini-day care, home-delivered meals, counseling, information and referral, emergency home repair services, and health maintenance services. Lead agencies providing directly the health maintenance service called "personal care" shall be exempt from the home health agency licensure provisions of part III of chapter 400, but shall at a minimum, retain the services of a nurse licensed under chapter 464 for the initial assessment of clients referred for personal care services and for the development and periodic monitoring of client care plans involving personal care. For purposes of this subsection, "personal care services" shall be defined as services to assist with bathing, dressing, ambulation, housekeeping, supervision, emotional security, and eating, supervision of self-administered medications, and assistance in securing health care from appropriate sources. Personal care services shall not include medical services. Nothing herein shall be construed to exempt Community Care

for the Elderly lead agencies from the requirements of Part III, Chapter 400 in their direct or indirect provision of any home health services regulated under Chapter 400, other than "personal care" services as defined herein. Services other than the community-care-for-the-elderly core services may be incorporated into a community care service system, but shall not be funded with funds designated for community care for the elderly. Case management services shall be provided to each community care core service recipient to ensure that arrangements are made for appropriate services. If independent living is no longer possible for a functionally impaired elderly person, the case manager shall assist the person in locating the most appropriate, least restrictive, and most cost-beneficial alternate living arrangement.

Section 10. Section 400.504, Florida Statutes, is hereby repealed.

Section 11. Section 400.505, Florida Statutes, is hereby repealed.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, strike line 2 and insert: An act relating to health care services; amending ss. 400.461, 400.462, F.S.; redefining "home health agency" to include non-Medicare service providers; expanding applicability of licensure provisions; revising the definition of "home health services"; amending s. 400.467, F.S.; providing for non-refundable license and renewal fees; providing exemptions; amending ss. 400.471, 400.477, F.S.; requiring an oath for license application and renewal; amending s. 400.497, F.S.; providing for minimum standards in relation to geographic service areas; amending s. 400.501, F.S.; increasing a penalty for specified violations; amending ss. 410.023, 410.0241, F.S.; expanding the list of core services for functionally impaired elderly persons; exempting from home health agency licensure certain agencies providing personal care to elderly persons; providing a definition; repealing s. 400.504, F.S., relating to timeframe for compliance with rules and standards; repealing s. 400.505, F.S., relating to licensure of non-Medicare home health agencies; requiring

On motion by Senator Weinstock, by two-thirds vote CS for HB 2527 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Bankhead	Davis	Kirkpatrick	Souto
Beard	Dudley	Kiser	Stuart
Brown	Girardeau	Langley	Thomas
Bruner	Gordon	Malchon	Thurman
Casas	Grant	Margolis	Walker
Childers, D.	Grizzle	McPherson	Weinstein
Childers, W. D.	Jennings	Myers	Weinstock
Crenshaw	Johnson	Peterson	Woodson-Howard

Nays—None

On motion by Senator Weinstock, the rules were waived and CS for HB 2527 was ordered immediately certified to the House.

On motions by Senator Kiser, by two-thirds vote—

CS for HB's 41, 73 and 1501—A bill to be entitled An act relating to public housing eviction policy; repealing s. 421.102, F.S., which provides for the eviction of tenants who are adjudicated guilty of violations of law relating to the sale, manufacture, delivery, or possession of a controlled substance and for other household members to retain possession of the premises; providing an effective date.

—a companion measure, was substituted for CS for SB 1204 and by two-thirds vote read the second time by title. On motion by Senator Kiser, by two-thirds vote CS for HB's 41, 73 and 1501 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Bankhead	Diaz-Balart	Malchon	Thomas
Beard	Dudley	Margolis	Thurman
Brown	Forman	McPherson	Walker
Casas	Gardner	Meek	Weinstein
Childers, D.	Girardeau	Myers	Weinstock
Childers, W. D.	Gordon	Peterson	Woodson-Howard
Crenshaw	Grant	Plummer	
Davis	Grizzle	Souto	
Deratany	Kiser	Stuart	

Nays—None

SB 2592—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; providing effective dates.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Weinstein:

Amendment 1—On page 4, strike all of lines 24-27 and insert:

Section 4. Subsection (1) of section 28.241, Florida Statutes, is amended to read:

28.241 Filing charges for trial and appellate proceedings.—

(1) The party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a service charge of \$40 in all cases in which there are not more than five defendants and an additional service charge of \$2 for each defendant in excess of five. An additional service charge of \$10 shall be paid by the party seeking each severance that is granted. An additional service charge of \$35 shall be paid to the clerk for all proceedings of garnishment, attachment, replevin, and distress. An additional service charge of \$10 \$6 shall be paid to the clerk for each civil action filed, \$9 \$5 of such charge to be remitted by the clerk to the State Treasurer for deposit into the General Revenue Fund unallocated. An additional charge of \$1.50 shall be paid to the clerk for each civil action brought in circuit or county court, to be deposited into the Court Education Trust Fund; the moneys collected shall be forwarded by the clerk to the Supreme Court monthly for deposit in the fund. Service charges in excess of those herein fixed may be imposed by the governing authority of the county by ordinance or by special or local law; and such excess shall be expended as provided by such ordinance or any special or local law, now or hereafter in force, in providing and maintaining facilities, including a law library, for the use of the courts of the county wherein the service charges are collected or for a legal aid program in such county. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. That part of the within fixed or allowable service charges which is not by local or special law applied to the special purposes shall constitute the total service charges of the clerk of such court for all services performed by him in civil actions, suits, or proceedings.

Section 5. Subsection (5) of section 34.041, Florida Statutes, is amended to read:

34.041 Service charges and costs.—

(5) In addition to the filing fees provided in subsection (1), in all civil cases, the sum of \$9.00 \$5.00 per case shall be paid by the plaintiff when filing his action for the purpose of funding the court costs. Such funds shall be remitted to the general revenue fund.

Section 6. This act shall take effect on the first Tuesday after the first Monday in January 1991, except that sections 3, 4, 5 and this section shall take effect upon becoming a law.

Senators Stuart and D. Childers offered the following amendment to Amendment 1 which was moved by Senator Stuart:

Amendment 1A—On page 2, strike all of lines 26-29 and insert:

Section 6. Subsection (1) of section 34.021, Florida Statutes, is amended and subsection (5) is added to said section to read:

34.021 Qualifications of county court judges.—

(1) No person is eligible for election or appointment to the office of county court judge unless he is, and has been for the preceding 5 years, a member in good standing of The ~~Bar of~~ Florida Bar prior to qualifying for election to such office or submitting his name to the appropriate judicial nominating commission for appointment. However, a person is eligible for election or appointment to the office of county court judge in a county having a population of 40,000 or less if he is a member in good standing of The ~~Bar of~~ Florida Bar.

(5) Notwithstanding the provisions of subsection (1), membership in the Florida Bar is not required for election or appointment to the office of county court judge, with approval by referendum of the voters of each individual county having a population of 15,000 or less according to the last decennial census.

Section 7. This act shall take effect on the first Tuesday after the first Monday in January 1991, except that sections 3, 4, 5, 6, and this section shall take effect upon becoming a law.

Point of Order

Senator Dudley raised a point of order that pursuant to Rule 7.1 Amendment 1A was out of order.

Further consideration of **SB 2592** with pending **Amendments 1 and 1A** was deferred.

SB 1584—A bill to be entitled An act relating to mosquito control; amending s. 388.021, F.S.; providing for the creation of independent mosquito control districts; amending ss. 388.261, 388.281, F.S.; revising the distribution of funding to counties and districts for mosquito control; providing for the use of such funds; amending s. 388.42, F.S.; redesignating the West Florida Arthropod Research Laboratory as the John A. Mulrennan, Sr., Arthropod Research Laboratory; authorizing an additional source of funding for such laboratory; amending s. 388.46, F.S.; revising the meeting requirements of the Florida Coordinating Council on Mosquito Control; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendments which were adopted:

Amendment 1—On page 4, strike all of lines 7 and 8 and insert:

(4) *Up to 20 percent of the annual funds appropriated to local governments for arthropod control may*

Amendment 2—On page 5, between lines 20 and 21, insert:

Section 4. Subsection (3) is added to section 388.291, Florida Statutes, to read:

388.291 Source reduction measures; supervision by department.—

(3) *Property owners in a developed residential area are required to maintain their property in such a manner so as not to create or maintain any standing fresh water condition capable of breeding mosquitoes or other arthropods in significant numbers so as to constitute a public health, welfare, or nuisance problem. Nothing in this subsection shall permit the alteration of permitted stormwater management systems or prohibit maintained fish ponds, xeriscaping, or other maintained systems of landscaping or vegetation. If such a condition is found to exist, the local arthropod control agency shall serve notice on the property owner to treat, remove, or abate the condition. Such notice shall serve as prima facie evidence of maintaining a nuisance, and upon failure of the property owner to treat, remove, or abate the condition, the local arthropod control agency or any affected citizen may proceed pursuant to s. 60.05 to enjoin the nuisance and may recover costs and attorneys' fees if they prevail in the action.*

(Renumber subsequent sections.)

Amendment 3—On page 6, between lines 19 and 20, insert:

(a) **Membership.**—The Florida Coordinating Council on Mosquito Control shall be comprised of the following representatives or their authorized designees:

1. The Secretary of Environmental Regulation and the Secretary of Health and Rehabilitative Services;

2. The executive directors of the Game and Fresh Water Fish Commission, and the Department of Natural Resources, ~~and the Governor's Office of Planning and Budgeting;~~

3. The state epidemiologist;

4. The Commissioner of Agriculture; and

5. Representatives from:

a. The University of Florida, Institute for Food and Agricultural Sciences, Florida Medical Entomological Research Laboratory;

b. The United States Environmental Protection Agency;

c. The United States Department of Agriculture, Insects Affecting Man Laboratory;

d. The United States Fish and Wildlife Service; and

e. Two mosquito control directors to be nominated by the Florida Anti-Mosquito Control Association, two representatives of Florida environmental groups, and two private citizens who are property owners whose lands are regularly subject to mosquito control operations, to be appointed to 2-year terms by the Governor.

Amendment 4—In title, on page 1, line 8, after the semicolon (;) insert: amending s. 388.291, F.S.; requiring property owners to maintain their own property so as not to create mosquito breeding habitat; providing for notice of nuisance and procedure to enjoin;

Amendment 5—In title, on page 1, strike line 14 and insert: the membership and meeting requirements of the Florida

Amendment 6—In title, on page 1, strike all of lines 2-4 and insert: An act relating to mosquito control;

On motion by Senator Myers, by two-thirds vote SB 1584 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Bankhead	Deratany	Johnson	Souto
Beard	Diaz-Balart	Kirkpatrick	Stuart
Brown	Forman	Langley	Thomas
Casas	Gardner	Malchón	Thurman
Childers, D.	Girardeau	Margolis	Walker
Childers, W. D.	Gordon	Myers	Weinstein
Crenshaw	Grant	Peterson	Weinstock
Davis	Grizzle	Scott	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Dudley

CS for SB 2746—A bill to be entitled An act relating to education; amending s. 228.301, F.S.; revising provisions relating to the security of tests administered to students, educators, and applicants for certification; prohibiting the violation of test security rules for the administration of certain tests by school districts; requiring certain persons and educational institutions to cooperate with the Commissioner of Education in investigations of violations of security rules for mandatory tests; amending s. 229.555, F.S.; requiring a school district to consider certain student achievement data within its continuing educational planning system; amending s. 229.565, F.S.; requiring the Commissioner of Education to adopt educational evaluation procedures to evaluate minimum and higher levels of student skills and competencies; requiring the commissioner to obtain recommendations of citizens, educators, and members of the business community in developing such procedures; amending s. 229.57, F.S.; providing for participation in the administration of the National Assessment of Educational Progress; revising the statewide student assessment testing programs to provide for a statewide assessment program adopted by the Commissioner of Education; requiring the commissioner to develop a student achievement testing program to test students in the 4th, 7th, and 10th grades in reading, writing, and mathematics; requiring school districts to offer remedial instruction and to administer a high school competency test developed by the State Board of Education to 10th grade students who fail the test administered pursuant to the program developed by the commissioner; requiring school districts and public schools to periodically assess student performance; requiring the commissioner to prepare annual reports of test results; requiring the State Board of Education to adopt rules to implement the program; amending s. 229.575, F.S., relating to reporting procedures; revising a cross-reference to conform to the act; amending s. 232.245, F.S.; providing that each school district's program for pupil progression must be compatible with its remediation plan; amending s. 232.2454, F.S.; repealing provisions relating to uniform student performance standards and assessment procedures; requiring the State Board of Education to adopt rules to authorize each school district to develop student performance standards and assessment procedures; requiring school districts to annually report the results of student assessments to the state board; amending s. 232.246, F.S.; providing that students must pass the high school competency test in order to graduate from high school; exempting

certain students from such requirement; amending s. 233.0641, F.S.; providing that tests administered to students pursuant to the free enterprise and consumer education program are also administered as part of the statewide assessment program developed by the commissioner pursuant to this act; amending s. 236.088, F.S.; providing for the allocation of funds; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendments which were adopted:

Amendment 1—On page 9, line 25, through page 10, line 11, strike all of said lines and insert:

5. All eleventh grade students shall be required to take high school competency tests developed by the state board to test minimum student performance skills and competencies in reading, writing, and mathematics. Upon recommendation of the commissioner, the state board shall designate a passing score for each part of the high school competency test. In establishing passing scores, the state board shall consider any possible negative impact of the tests on minority students. A student must earn a passing score on each part taken to qualify for a regular high school diploma. The commissioner shall recommend rules to the state board for the provision of test adaptations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency. The school districts shall provide appropriate remedial instruction to students who do not pass part of the competency test.

Amendment 2—On page 14, line 21, through page 15, line 18, strike all of said lines and insert:

(a) *Earning passing scores on the high school competency test defined in s. 229.57(3)(c). Mastery of the minimum performance standards in reading, writing, and mathematics for the 11th grade, established pursuant to ss. 229.565 and 229.57, determined in the manner prescribed after a public hearing and consideration by the state board.*

(b) *Demonstrated ability to successfully apply basic skills to everyday life situations as measured by a functional literacy examination developed and administered in a manner prescribed after a public hearing and consideration by the state board.*

(b)(e) Completion of all other applicable requirements prescribed by the district school board pursuant to s. 232.245.

(c)(d) Effective for the 1988-1989 school year and each year thereafter, a cumulative grade point average of 1.5 on a 4.0 scale, or its equivalent, for required courses for graduation.

Amendment 3—On page 18, between lines 28 and 29, insert:

Section 11. Subsections (6), (7), and (8) are added to section 240.107, Florida Statutes, to read:

240.107 College-level communication and computation skills examination.—

(6) *Each community college president and university president shall establish a committee to consider requests for waivers from the provisions of subsection (3). The committee shall be chaired by the chief academic officer of the institution and shall have four additional members appointed by the president: a member of the mathematics department, a member of the English department, the institutional test administrator, and a fourth faculty member from a department other than English or mathematics. Any student who has taken a subtest of the examination required by this section at least four times and has not achieved a passing score, but has otherwise demonstrated proficiency in coursework in the same subject area, may request a waiver from that particular subtest. Waivers shall be considered only after students have been provided test adaptations or other administrative adjustments to permit the accurate measurement of the student's proficiency in the subject areas measured by the examination authorized in this section. The committee shall consider the student's educational records and other evidence as to whether the student should be able to pass the subtest under consideration. A waiver may be recommended to the president upon majority vote of the committee. The president may approve or disapprove the recommendation. The president may not approve a request which the committee has disapproved. If a waiver for a given subtest is approved, the student's transcript shall include a statement*

that the student did not meet the requirements of subsection (3) and that a waiver was granted. Each president shall report annually by July 1 the number and percentage of students granted waivers, the subtests waived, and the reasons for granting the waivers. This report shall be provided to the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives.

(7) *The State Board of Education, by rule, shall establish fees for the administration of the examination to private postsecondary students. The examination may be administered to students other than those receiving financial aid as required in s. 240.404(1)(a)2., provided that the appropriate fees are paid.*

(8) *The State Board of Education, by rule, shall establish fees for the administration of the examination at times other than regularly scheduled dates to accommodate examinees who are unable to be tested on those dates. The board shall establish the conditions under which examinees may be admitted to the special administrations.*

(Renumber subsequent section.)

Amendment 4—In title, on page 2, line 31, through page 3, line 1, strike all of said lines and insert: deleting functional literacy examination requirements; amending s. 233.0641, F.S.;

Amendment 5—In title, on page 3, line 8, after the semicolon (;) insert: amending s. 240.107, F.S.; providing for waivers of the College-Level Academic Skills Test under certain conditions; authorizing the State Board of Education to establish fees for private postsecondary students to take the College-Level Academic Skills Test; authorizing the State Board of Education to establish fees and conditions for special administrations of the College-Level Academic Skills Test;

Amendment 6—In title, on page 2, strike all of lines 1-7 and insert: 7th, and 11th grades in reading, writing, and mathematics; requiring school districts to offer remedial instruction to certain students who do not pass the tests; providing for designation of passing scores on such tests;

On motion by Senator Gardner, by two-thirds vote CS for SB 2746 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Bankhead	Diaz-Balart	Kirkpatrick	Scott
Beard	Dudley	Kiser	Souto
Brown	Forman	Langley	Stuart
Casas	Gardner	Malchon	Thomas
Childers, D.	Girardeau	Margolis	Thurman
Childers, W. D.	Gordon	McPherson	Walker
Crenshaw	Grant	Meek	Weinstein
Davis	Grizzle	Myers	Weinstock
Deratany	Johnson	Peterson	Woodson-Howard

Nays—None

Reconsideration

On motion by Senator Gordon, the rules were waived and the Senate reconsidered the vote by which—

CS for SB 550—A bill to be entitled An act relating to health insurance; amending s. 627.6375, F.S.; requiring insurers offering individual health insurance policies to enter into contracts for alternative rates of payment to also contract with optometrists, podiatrists, and chiropractors; amending s. 627.6695, F.S.; requiring insurers offering group health insurance policies who enter into contracts for alternative rates of payment to also contract with optometrists, podiatrists, and chiropractors; providing an effective date.

—passed this day.

Pending further consideration of CS for SB 550, on motions by Senator Gordon, by two-thirds vote CS for HB 2101 was withdrawn from the Committees on Insurance and Appropriations.

On motion by Senator Gordon, by two-thirds vote—

CS for HB 2101—A bill to be entitled An act relating to health insurance; amending s. 627.6375, F.S.; requiring insurers offering individual health insurance policies who enter into contracts for alternative rates of payment to also contract with optometrists, podiatrists, and chiroprac-

tors; amending s. 627.6695, F.S.; requiring insurers offering group health insurance policies who enter into contracts for alternative rates of payment to also contract with optometrists, podiatrists, and chiropractors; providing an effective date.

—a companion measure, was substituted for CS for SB 550 and read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for HB 2101 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Diaz-Balart	Kirkpatrick	Plummer
Beard	Dudley	Kiser	Souto
Brown	Forman	Langley	Stuart
Casas	Gardner	Malchon	Thomas
Childers, D.	Girardeau	Margolis	Thurman
Childers, W. D.	Gordon	McPherson	Walker
Crenshaw	Grant	Meek	Weinstein
Davis	Grizzle	Myers	Weinstock
Deratany	Johnson	Peterson	Woodson-Howard

Nays—None

On motion by Senator Deratany, by two-thirds vote CS for HB 2047 was withdrawn from the Committee on Insurance.

On motion by Senator Deratany—

CS for HB 2047—A bill to be entitled An act relating to warranty associations; amending s. 634.041, F.S.; revising criteria for qualification as motor vehicle service agreement companies; creating s. 634.045, F.S.; providing requirements for guarantee agreements; providing for review and repeal; amending s. 634.401, F.S.; revising definitions; creating s. 634.4065, F.S.; providing requirements for guarantee agreements; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for SB 2258 and read the second time by title. On motion by Senator Deratany, by two-thirds vote CS for HB 2047 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Bankhead	Diaz-Balart	Kirkpatrick	Thomas
Beard	Dudley	Kiser	Thurman
Brown	Forman	Langley	Walker
Casas	Gardner	Malchon	Weinstein
Childers, D.	Girardeau	McPherson	Weinstock
Childers, W. D.	Gordon	Myers	Woodson-Howard
Crenshaw	Grant	Peterson	
Davis	Grizzle	Plummer	
Deratany	Johnson	Souto	

Nays—None

The President presiding

Motion

On motion by Senator Scott, the rules were waived and time of recess was extended until final action on SB 2592 and CS for CS for SB 2196.

The Senate resumed consideration of—

SB 2592—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; providing effective dates.

Senator Dudley withdrew the point of order on Amendment 1A.

Amendment 1A failed.

Amendment 1 was adopted.

Senators Stuart and D. Childers offered the following amendment which was moved by Senator Stuart and adopted:

Amendment 2—In title, on page 1, line 6, after the semicolon (;) insert: amending ss. 28.241, 34.041, F.S.; increasing the amount of certain service charges to be paid in connection with filing civil actions;

On motion by Senator Weinstein, by two-thirds vote SB 2592 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Langley	Stuart
Bankhead	Diaz-Balart	Malchon	Thomas
Beard	Dudley	Margolis	Thurman
Brown	Forman	McPherson	Walker
Bruner	Girardeau	Meek	Weinstein
Casas	Grant	Myers	Weinstock
Childers, D.	Grizzle	Peterson	Woodson-Howard
Childers, W. D.	Johnson	Plummer	
Crenshaw	Kirkpatrick	Scott	
Davis	Kiser	Souto	

Nays—1

Gordon

Vote after roll call:

Nay to Yea—Gordon

On motion by Senator Weinstein, the rules were waived and **SB 2592** was ordered immediately certified to the House.

CS for CS for SB 2196—A bill to be entitled An act relating to access for children to preventive health services; creating the Florida Healthy Kids Corporation Act; providing legislative intent; limiting pilot sites to three; providing for duties and powers of the corporation; providing for a board of directors; providing that certain licensure is not required; providing for fiscal operations; providing that coverage under this act is secondary to other coverage; establishing the Florida Healthy Kids Trust Fund; providing access to records under certain conditions; exempting from public inspection certain information obtained by the corporation; providing for future legislative review of such exemption pursuant to the Open Government Sunset Review Act; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Myers:

Amendment 1—On page 2, line 11, strike “three” and insert: seven

Senator Brown moved the following substitute amendment which was adopted:

Amendment 2—On page 2, line 11, strike “three” and insert: four

The Committee on Appropriations recommended the following amendment which was moved by Senator Myers:

Amendment 3—On page 2, line 11, strike “three” and insert: seven

Senator Brown moved the following substitute amendment which was adopted:

Amendment 4—On page 7, line 20, strike “three” and insert: four

The Committee on Appropriations recommended the following amendment which was moved by Senator Myers and adopted:

Amendment 5—On page 2, line 18, after “children” insert: and to develop recommendations regarding extending coverage to immediate family members

Senator Brown moved the following amendment which was adopted:

Amendment 6—On page 2, lines 16-18, strike existing subsection 1 and insert a new subsection 1 to read:

Organize school children groups to facilitate the provision of preventive health care services to children at no more than four sites and to provide comprehensive health insurance coverage to children and their family members. The number of sites may be increased only by the Legislature.

The Committee on Appropriations recommended the following amendment which was moved by Senator Myers and adopted:

Amendment 7—On page 7, between lines 23 and 24, insert new section 3:

Section 3. There is hereby appropriated \$83,500 for Fiscal Year 1990-91.

(Renumber subsequent sections.)

Senator Kiser moved the following amendment which was adopted:

Amendment 8—On page 5, line 9, insert: and who also is a member of the Florida School Health Association

The Committee on Appropriations recommended the following amendment which was moved by Senator Myers and adopted:

Amendment 9—In title, on page 1, line 6, strike "three" and insert: seven

Senator Brown moved the following amendment which was adopted:

Amendment 10—In title, on page 1, line 6, strike "three" and insert: four

The Committee on Appropriations recommended the following amendment which was moved by Senator Myers and adopted:

Amendment 11—In title, on page 1, line 12, after the semicolon (;) insert: providing an appropriation;

On motion by Senator Myers, by two-thirds vote CS for CS for SB 2196 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kirkpatrick	Souto
Bankhead	Diaz-Balart	Langley	Stuart
Beard	Dudley	Malchon	Thomas
Brown	Forman	Margolis	Thurman
Bruner	Gardner	McPherson	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Gordon	Myers	Weinstock
Childers, W. D.	Grant	Peterson	Woodson-Howard
Crenshaw	Grizzle	Plummer	
Davis	Johnson	Scott	

Nays—None

On motion by Senator Myers, the rules were waived and CS for CS for SB 2196 was ordered immediately certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Malchon, by two-thirds vote Senate Bills 86, 88, 520, 1922, 2430, 2436 and 2446 were withdrawn from the committees of reference and further consideration.

On motion by Senator Scott, by two-thirds vote CS for SB 1566 was withdrawn from the Committee on Higher Education.

ENROLLING REPORTS

CS for SB 222, SB 308, CS for SB 340, CS for SB 426, CS for SB 514, SB 602, SB 644, CS for SB 666, SB 704, SB 712, CS for SB 718, SB 806, SB 864, CS for SB 940, SB 1072, CS for SB 1082, SB 1094, CS for SB 1290, CS for SB 1292, CS for SB 1508, CS for SB 1520, CS for SB 1562, SB 1570, SB 1582, SB 1728, SB 1756, CS for SB 1820, CS for SB 1834, SB 1962, SB 2068 and SB 3076 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 25, 1990.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 24 was corrected and approved.

VOTES RECORDED

Senator Weinstock was recorded as voting yea on the following which were considered May 24: CS for SB 272, SB 1374, CS for SB 1802, HB 3671, SB 3054, CS for SB 3056, SB 78, CS for SB 30, CS for HB 1553, SB 1028, SB 262, SB 946, CS for SB 2920, CS for HB 1997, HB 2383, CS for SB 1882, SB 2400, CS for SB 2026, SB 2986, CS for SB 1288, CS for SB 758, SB 452, CS for HB 2139, HB 2281 and CS for SB 1498.

RECESS

Senator Scott moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Monday, May 28, at 2:00 p.m. The motion was adopted.

Pursuant to the motion by Senator Scott, the Senate recessed at 12:09 p.m. to reconvene at 2:00 p.m., Monday, May 28.